

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Blake DeCONINCK, individually and on behalf )  
of all others similarly situated, )

Plaintiff, )

vs. )

PENTAGON FEDERAL CREDIT UNION, )

Defendant. )

Civ. No. 23-cv-00215-NEB-ECW

**MOTION TO EXTEND  
DEADLINE TO ANSWER**

Plaintiff, by and through his counsel, hereby moves this Court for an order extending the deadline by which Defendant must respond to the Complaint. Plaintiff submits the following information in support of this Motion:

1. On January 30, 2023, a summons was issued as to Defendant by the Clerk of Court regarding the Complaint filed by Plaintiff in the above-captioned matter (ECF No. 3);
2. On February 6, 2023, Plaintiff filed an affidavit attesting to service effected by handing and leaving the summons and Complaint with Michael Creed, which the affidavit states is a Managing Agent of PenFed, thereby setting the deadline for PenFed to respond to the Complaint for February 21, 2023 (ECF No. 4);
3. PenFed disputes that Mr. Creed is a Managing Agent of PenFed such that service was properly effected;
4. Plaintiff disputes that service of the Complaint was not properly effected;

5. During a meet and confer on February 16, 2023, PenFed, through its counsel, agreed to avoid a service-related dispute and to accept service via counsel pursuant to Federal Rule of Civil Procedure (“Rule”) 4(d)(3);

6. Rule 4(d)(3) provides a defendant with 60 days to respond to a complaint when service has been waived; and

7. Plaintiff and Defendant, through their respective counsel, agree to extend the time for Defendant to respond to Plaintiff’s Complaint in accordance with Rule 4(d)(3).

As such, Plaintiff hereby requests the Court grant this Motion and extend the deadline for Defendant to respond to the Complaint to April 17, 2023.

Dated: February 17, 2023

Respectfully submitted,

/s/Daniel E. Gustafson  
Daniel E. Gustafson (#202241)  
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***Counsel for Plaintiff***